

REMARKS

Claims 1-54 are pending in this application. Claims 1, 33 and 43 have been amended. No new claims have been added. No new matter has been added.

Reconsideration and allowance of this application is respectfully requested.

Rejections Under 102(b)

In the Office Action mailed June 9, 2005, the Examiner rejected claims 1, 4, 7-12, 14, 16, 18, 19, 21, 23 and 44-49 under 35 U.S.C. 102(b) as being anticipated by Hatfield et al. (U.S. Patent No. 6,184,285). Claims 1, 33 and 43 have been amended.

Hatfield et al. describe:

a hot melt construction adhesive composition which comprises a blend of a styrene-butadiene (SB) block copolymer containing greater than about 25 weight percent styrene and a styrene-isoprene (SI) block copolymer containing greater than about 25 weight percent styrene, said hot melt construction adhesive composition possessing a viscosity of no greater than about 25,000 mPa•s at about 140° C., a shear adhesion failure temperature (SAFT) of at least about 60° C. and a static shear time to failure of no less than about 25 hours at about 23° C., i.e., at room temperature.

(See, Summary of the Invention, col. 2).

Applicants' claims, as amended, recite "about 10 to about 40 wt. % of a styrene-isoprene block copolymer having from about 14% to about 20% styrene by weight." Thus, while Hatfield et al. describe styrene-isoprene copolymers having greater than about 25 weight percent styrene, Applicants' claims require styrene-isoprene polymers having from about 14-20 weight percent styrene content.

It is well established that "[a]nticipation requires the disclosure in a single prior art reference of each element of the claim under consideration." *W.L. Gore & Associates v. Garlock, Inc.*, 721 F.2d 1540, 1554, 220 USPQ 303, 313 (Fed. Cir. 1983). Since Hatfield et al. fail to disclose an adhesive as recited in claims 1 and 44, as amended, namely an adhesive having "about 10 to about 40 wt. % of a styrene-isoprene block copolymer having from about 14% to

about 20% styrene by weight,” Hatfield et al. fail to anticipate the present claims. Applicants request that the rejection under 35 U.S.C. 102(b) in view of Hatfield et al. be withdrawn.

Rejections Under 103

The Examiner rejected claims 2-3, 5-6, 13, 15, 17, 20, 24-43 and 50-56 under 35 U.S.C. 103(a) as being obvious over Hatfield et al. in view of Sasaki et al. U.S. Patent No. 5,663,228. As noted above, claims 1, 33 and 43 have been amended.

The Examiner notes at page three of the Office Action that Hatfield et al. “does not disclose antioxidant for the present claim 2, high amount of styrene-isoprene block copolymer in an adhesive composition for the present claims 5-6, and a single glass transition temperature for the present claims 24, 33, 50.” Applicants further point out that Hatfield et al. describe styrene-isoprene copolymers having greater than about 25 weight percent styrene content, while Applicants’ presently amended claims require styrene-isoprene polymer styrene content of from about 14 percent to about 20 percent by weight.

Sasaki et al. fails to provide the missing teaching of Hatfield et al. Therefore, Applicants respectfully submit the combination of Hatfield et al. and Sasaki et al. fail to establish a *prima facie* case of obviousness, and request the withdrawal of such rejections.

Furthermore, the Examiner’s reliance on the teaching of Figure 3 of Sasaki et al. appears to be misplaced. The plot of tangent delta in Figure 3 relates to a pre-compounded blend of only elastomers, not a complete adhesive formulation as recited by the present claims. Sasaki et al. also note that the single peak is “adverse to processability” (Col. 6, lines 4-5). Sasaki et al. teaches the formulation of adhesives such that two distinct glass transition temperatures are present.

Conclusion

Applicants submit that the claims are in condition for allowance and respectfully request the same. The Examiner is invited to call the undersigned attorney to discuss any outstanding issues or concerns so that allowance of the present application may be expedited.

If needed, Applicant hereby petitions for an appropriate extension of time and entry of this Amendment. The Commissioner is also hereby authorized to charge any required additional fees to Deposit Account No. 12-0913. The Applicants therefore respectfully request favorable reconsideration and allowance of this application.

Respectfully submitted,

BARNES & THORNBURG LLP

Date: September 16, 2005



A handwritten signature in black ink, appearing to read "Mark A. Hagedorn". The signature is somewhat stylized and fluid.

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